

# City of Falcon Heights Planning Commission

City Hall  
2077 Larpenteur Avenue West

## AGENDA

Tuesday, January 24, 2023  
7:00 p.m.

A. CALL TO ORDER: 7:00 p.m.

B. ROLL CALL: Scott Wilson \_\_\_\_  
Joel Gerich \_\_\_\_ Scott Phillips \_\_\_\_  
Laura Paynter \_\_\_\_ Jim Mogen \_\_\_\_  
VACANT VACANT  
  
Council Liaison Wehyee \_\_\_\_  
Staff Liaison Lynch \_\_\_\_

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. December 27, 2022

E. PUBLIC HEARING

1. None

F. NEW BUSINESS

1. Officer Position Nominations (Chair, Vice-Chair, Secretary)
2. Adopt the Standing Rules
3. 2023 Schedule
4. Licensing of Businesses Selling Cannabinoid Products
5. Discussion - 2023 Priorities
6. Discussion - Community Park

G. INFORMATION AND ANNOUNCEMENTS

1. Staff Liaison Report
2. Council Liaison Report

H. ADJOURN

*Next regular meeting date: February 28, 2023*

**City of Falcon Heights  
City Hall  
2077 Larpenteur Avenue West**

**Minutes**

**Planning Commission Meeting  
Tuesday, December 27, 2022  
7:00 PM**

**A. CALL TO ORDER:**

1. The meeting was called to order at 7:00 PM.

**B. ROLL CALL:**

Scott Wilson <u>X</u>	Scott Philips <u>X</u>
Laura Paynter <u>X</u>	Jim Mogen <u>X</u>
Joel Gerich <u>   </u>	VACANT <u>   </u>
VACANT <u>   </u>	

Council Liaison Wehyee      
Staff Liaison Lynch X

Agenda was approved by consent.

**C. APPROVAL OF MINUTES:**

1. October 25, 2022 minutes approved by consent.

**D. PUBLIC HEARING**

1. None

**E. NEW BUSINESS**

1. THC Moratorium
  - i. Staff Liaison Lynch presented PowerPoint overview of one-year THC Moratorium put in place in September 2022. City Council has put this moratorium into place to allow Planning Commission time to review changes to the statute and any necessary new licensing and/or zoning regulations.

Explained the current zoning districts permitted in Falcon Heights for retail establishments. The updated statute allows these products to be sold anywhere, except exclusive liquor stores. Gave examples of how other municipalities are handling the change to the statute.

Commissioners provided feedback about how and why these regulations should be established. Commissioner Mogen made a motion to establish and refer the topic to a sub-

committee of two commissioners, Commissioner Wilson and Commissioner Paynter, and Staff Liaison Lynch, to be followed by a workshop with the full Planning Commission. Motion was seconded by Commissioner Phillips. A vote was taken and all were in favor. Motion passed unanimously. Workshop is set tentatively for February 2023 meeting.

**F. ANNOUNCEMENTS**

1. None

**G. Meeting adjourned at 7:21 PM.**

DRAFT



## ITEM FOR DISCUSSION

<b>Meeting Date</b>	January 24, 2023
<b>Agenda Item</b>	F1
<b>Attachment</b>	None.
<b>Submitted By</b>	Hannah Lynch, Community Development Coordinator / Planner

<b>Item</b>	Election of Officers
<b>Description</b>	<p>The Commission must nominate and elect officers for 2023. Historically, most Commissions consist of a Chair, Vice Chair, and Secretary. Brief descriptions of these positions are as follows:</p> <p>Chair - Conducts the meeting, opens/closes public hearings, calls for votes, consults with staff regarding agenda topics</p> <p>Vice Chair - Fills duties in the Chair's absence</p> <p>Secretary - Takes official minutes during meetings and sends to staff for review and approval at next meeting.</p>
<b>Budget Impact</b>	None.
<b>Attachment(s)</b>	None.
<b>Action(s) Requested</b>	Staff recommends nominating and electing officers for 2023.



## ITEM FOR DISCUSSION

<b>Meeting Date</b>	January 24, 2023
<b>Agenda Item</b>	F2
<b>Attachment</b>	See below.
<b>Submitted By</b>	Hannah Lynch, Community Development Coordinator / Planner

<b>Item</b>	Approval of Standing Rules for 2023
<b>Description</b>	<p>Introduction to the current Planning Commission Standing Rules:</p> <p>In the belief that the best decisions are made by the best informed decision makers and that the public decision process is best served when the public has every opportunity to present views, the following rules are established to govern regular and special commission meetings as well as formal public hearings. There are several goals behind these rules.</p> <ol style="list-style-type: none"> <li>1. In general, free and open discussion by all interested parties should be an essential part of the decision making process.</li> <li>2. The commission process should have as little procedural overhead as possible.</li> <li>3. Time is better spent on substantial matters rather than pro forma matters.</li> </ol>
<b>Budget Impact</b>	None.
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• City of Falcon Heights Planning Commission Standing Rules</li> <li>• Sikkink’s Seven Motion System</li> </ul>
<b>Action(s) Requested</b>	Staff recommends approval of the standing rules for 2023.

**Falcon Heights City Code**  
**Sec. 2-118. Planning commission.**

- (a) The commission shall be the city planning agency authorized by Minn. Stats. § 462.354, subd. 1.
- (b) The duties of the planning commission are:
  - (1) To guide future development of land, services, and facilities;
  - (2) To ensure a safe, pleasant and economical environment for residential, commercial, and public activities; and
  - (3) To promote the public health, safety, and general welfare of the community.
- (c) These duties are to be carried out by:
  - (1) Establishing community objectives and policy;
  - (2) Making recommendations to the council regarding petitions and applications for rezoning, special use permits, etc.;
  - (3) Reviewing and making recommendations on all matters relating to or affecting the physical development of the city.

(Code 1993, § 2-4.05; Ord. No. 98-02, § 3, 4-8-1998)

**FALCON HEIGHTS PLANNING COMMISSION**  
**PLANNING COMMISSION STANDING RULES**

**January 24, 2023**

## INTRODUCTION

In the belief that the best decisions are made by the best informed decision makers and that the public decision process is best served when the public has every opportunity to present views, the following rules are established to govern regular and special commission meetings as well as formal public hearings. There are several goals behind these rules.

1. In general, free and open discussion by all interested parties should be an essential part of the decision making process.
2. The commission process should have as little procedural overhead as possible.
3. Time is better spent on substantial matters rather than proforma matters.

## MEMBERSHIP

The formal commission membership consists of seven commissioners. All seven have one vote each and all can introduce motions. For purposes of leading the meeting, the chair, or in the absence of the chair, the vice-chair will be considered the chairperson. In the absence of the chair and vice-chair, the Commission shall name an acting chair for the duration of the meeting.

## RULES

### Agenda

1. To be considered, an item must be on the agenda and the agenda must be distributed to all the commission members and any other persons having responsibility for an item at least three working days prior to the meeting. Distribution may be made by electronic media, including the city website. An agenda can be modified with addenda by a majority vote but this should be used only for minor items or items with extreme time constraints.
2. Since there will be audience and possibly cable TV viewers not familiar with each item, the chair, or person appointed by the chair, will give a brief explanation of each item as it is addressed.
3. The order of items on the agenda need not be followed absolutely. The chair may adjust the order in the interest of:
  - a. Filling in time before a scheduled item, i.e., a public hearing.

- b. Grouping several items to best make use of consultant time.
- c. Accommodating individuals who have attended the meeting specifically to provide input on an item.

#### Process - Regular and Special Planning Commission Meetings

1. For these proceedings the commission will use the 'open discussion' procedure. That is, discussion is open to any member before or after a motion is made. This privilege is also extended to the Staff Liaison and any of the consultants who may have an interest in or can contribute to the item at hand.
2. At the discretion of the chair, this privilege is also extended to those members of the audience who wish to provide input. The chair may also rule out of order any input felt to be redundant, superfluous or irrelevant.
3. The chair can make liberal use of the "unanimous consent" procedure. That is, items that in the judgment of the chair are likely to be unanimously approved, can be introduced for approval with the statement "If there are no objections, ... stands approved (or denied)." If any commissioner has an objection, then the item reverts to the standard motion procedure. This "unanimous consent" procedure cannot be used for items requiring formal votes, i.e. resolutions.
4. The standard motion procedure is changed to not require a second. A motion need only be made to be considered. This also applies to amendments.
5. To eliminate confusion, only one amendment will be considered at a time and that amendment must be germane to the motion. An amendment cannot itself be amended. If a change to an amendment is deemed appropriate, the amendment should be withdrawn and reintroduced accordingly.
6. The general mode of voting will be by acclamation but with enough clarity that the individual votes can be recorded in the minutes. If in doubt, the secretary can request a clarification.
7. If the commission action is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.
8. No commission meeting will extend beyond 10:00 P.M. except by unanimous vote. This rule is not subject to the modification or suspension provisions of the Standing Rules.



Process - Public Hearings

Since a public hearing is a more formal procedure and often requires certain procedures and actions to be legal, the meeting rules are changed accordingly.

1. The primary aim of a public hearing is to take input from the public. To accomplish this in the most effective manner the chair will introduce the hearing with an explanation of the issues. This explanation will be given by the chair or a person designated by the chair. The use of explanatory visual aids is encouraged.
2. Following the explanation, input from the public will be taken. Prior to accepting input, though, the chair will state the areas where input will be appropriate, the maximum time of FIVE MINUTES to be allotted to any individual presenter and any other procedural rules deemed appropriate to guarantee that all concerned parties have a fair and adequate opportunity to be heard.
3. At the discretion of the chair, all individuals wishing to speak must fill out and submit an identification form and speak into a recording microphone. Individuals not wishing to speak in public may provide a written statement. The commission may take up to 15 minutes to review written statements presented at the meeting. If the commission decides to not act on the issue at the public hearing meeting, it may by majority vote extend the time where written input will be taken to a day no later than 1 week before the next meeting where a deciding vote is planned.
4. All speakers are expected to be business-like, to-the-point and courteous. Anyone not abiding by these rules will be considered out-of-order.
5. The commission will refrain from initiating a discussion during the public input phase of the hearing except to clarify points brought up. These 'point of information' requests should be held to a minimum.
6. Once the public testimony phase is complete the chair will announce the public hearing to be closed and the commission will revert back to its open discussion mode of operation. From this point on, public input will only be appropriate when solicited by the commission.
7. Voting on any motion that results from a public hearing must be by roll call.
8. It shall be the intent of the commission to vote on the issue at the same meeting as the public hearing and as close in time to the public hearing as possible. Should it be necessary to defer voting until a later date, that procedure will be clearly explained to the audience.
9. No public hearing will extend beyond 9:30 p.m.

Planning Commission Standing Rules

10. If the motion contains conditions, as may occur in conditional use or variance requests, those conditions will be conveyed in writing to the requestor.
11. If the public hearing is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.

ADOPTION/MODIFICATION/SUSPENSION

These rules with the exception of the mandatory 10:00 P.M. adjournment, can be adopted, modified or suspended in whole or in part by a 3/4 vote of the commission. If suspended, they are automatically reinstated at the next meeting. Should they be suspended or a situation occurs that is not covered by the standing rules, Sikkink's Seven Motion System (attached) will apply.

ANNUAL REVIEW

These rules will be reviewed annually in January.

INTERPRETATION

The chair will interpret the rules. However, the chair's interpretation can be appealed by any commission member and can be overruled by a majority vote.

## SIKKINK'S SEVEN MOTION SYSTEM

### General Rules for a Simplified System of Parliamentary Procedure

1. The purpose of this decision making system is to allow efficient decision making that represents a majority position. Any motion, request, discussion or proposal, which seems to have as its purpose unreasonable delay, manipulation, or the goal of serving individual ends rather than group ends, can be ruled out of order by the chair. Such a ruling by the chair will be subject to the motion called appeal.
2. Free and open discussions are valued in this decision making system. For that reason, most motions are discussable and the motion to restrict discussion requires a 2/3 vote in order to pass. In recognizing persons for discussion, the chair first recognizes the person who made the motion, next recognizes other persons and always recognizes a person who has not spoken over a person who has already participated in the discussion. As far as possible, the chair should try to alternately recognize persons representing different viewpoints.
3. In examining the chart on the following page, you will note that five of the seven motions are amendable. However, only one amendment at a time may be considered. As soon as that amendment is passed or defeated, another amendment may be proposed.
4. The number in front of the motion listed indicates the rank of each motion. Thus, #1 – General motions are lowest in rank, and #7 – Restrict Debate motions are highest in rank. Two rules apply:
  - (1) You usually cannot consider two motions of the same rank at the same time, and
  - (2) If a motion of one rank is being considered, a motion of the same rank or lower rank is usually out of order, but a motion of higher rank is in order.

While these rules generally apply, the chair may allow some flexibility in certain circumstances. These situations almost always occur with motions #5, 6 and 7. For example, if #7 - “Restrict Discussion” is being discussed and a member wants a secret ballot vote on the matter, Request, while lower in rank, could be used to accomplish this purpose. The chair is allowed to make all decisions on exceptions, but all such decisions are subject to appeal.

Type of Motion/Rank	Purpose	Applies To What Situations	Needs Recognition	Needs Second	Can Be Discussed	Amendable	Vote Required
7. Restrict Discussion (highest rank)	To stop or limit discussion	All discussable motions	Yes	Yes	Yes	Yes	2/3
6. Appeal	To let the group vote on a chair's decision	To decision of the chairperson	No	Yes	Yes	No	Majority
5. Request	Not a motion but a way to question, challenge, or seek help	Any appropriate situation	No	No	No	No	Chair decides subject to appeal
4. Postpone	To delay action on any general motion to a future time	General motions	Yes	Yes	Yes	Yes	Majority
3. Refer	To have a general motion studied by a committee	General motions	Yes	Yes	Yes	Yes	Majority
2. Meeting Termination	To recess during a meeting or to end a meeting	Made to recess or adjourn	Yes	Yes	Yes	Yes	Majority
1. General (lowest rank)	To bring up business for majority decisions by the group	For doing business	Yes	Yes	Yes	Yes	Majority



## ITEM FOR DISCUSSION

<b>Meeting Date</b>	January 24, 2023
<b>Agenda Item</b>	F3
<b>Attachment</b>	2023 Planning Commission Schedule
<b>Submitted By</b>	Hannah Lynch, Community Development Coordinator / Planner

<b>Item</b>	Review of 2023 Planning Commission Schedule
<b>Description</b>	City Staff created a Planning Schedule to lay out the timeline for Planning Commission and City Council hearings for projects. This schedule will be used for all planning applications that require a public hearing, such as variances, conditional use permits, and code amendments.
<b>Budget Impact</b>	None
<b>Attachment(s)</b>	2023 Planning Commission Schedule
<b>Action(s) Requested</b>	No action necessary.

## City of Falcon Heights 2023 Planning and Zoning Schedule

Planning Commission Meeting Date	Planning Application Due	Staff Plan Review	Legal Notice Newspaper Submission Deadline	Notice of Public Hearing Mailed	Legal Notice Newspaper Publication	Planning Packets Distributed	Planning Commission Review	City Council Review
	<i>22 days prior (Monday)</i>	<i>As scheduled</i>	<i>12 days prior (Thursday)</i>	<i>12 days prior (Thursday)</i>	<i>10 days prior (Saturday)</i>	<i>Friday prior to meeting</i>	<i>4th Tuesday of the month</i>	<i>2nd Wednesday of the next month</i>
JANUARY 24	Monday, January 2		Thursday, January 12	Thursday, January 12	Saturday, January 14	Friday, January 20	Tuesday, January 24	Wednesday, February 8
FEBRUARY 28	Monday, February 6		Thursday, February 16	Thursday, February 16	Saturday, February 18	Friday, February 24	Tuesday, February 28	Wednesday, March 8
MARCH 28	Monday, March 6		Thursday, March 16	Thursday, March 16	Saturday, March 18	Friday, March 24	Tuesday, March 28	Wednesday, April 12
APRIL 25	Monday, April 3		Thursday, April 13	Thursday, April 13	Saturday, April 15	Friday, April 21	Tuesday, April 25	Wednesday, May 10
MAY 23	Monday, May 1		Thursday, May 11	Thursday, May 11	Saturday, May 13	Friday, May 19	Tuesday, May 23	Wednesday, June 14
JUNE 27	Monday, June 5		Thursday, June 15	Thursday, June 15	Saturday, June 17	Friday, June 23	Tuesday, June 27	Wednesday, July 12
JULY 25	Monday, July 3		Thursday, July 13	Thursday, July 13	Saturday, July 15	Friday, July 21	Tuesday, July 25	Wednesday, August 9
AUGUST 22	Monday, July 31		Thursday, August 10	Thursday, August 10	Saturday, August 12	Friday, August 18	Tuesday, August 22	Wednesday, September 13
SEPTEMBER 26	Monday, September 4		Thursday, September 14	Thursday, September 14	Saturday, September 16	Friday, September 22	Tuesday, September 26	Wednesday, October 11
OCTOBER 24	Monday, October 2		Thursday, October 12	Thursday, October 12	Saturday, October 14	Friday, October 20	Tuesday, October 24	Wednesday, November 8
NOVEMBER 28	Monday, November 6		Thursday, November 16	Thursday, November 16	Saturday, November 18	Friday, November 24	Tuesday, November 28	Wednesday, December 13
DECEMBER 26	<b>CANCELED</b>							
JANUARY 23, 2024	Monday, January 1		Thursday, January 11	Thursday, January 11	Saturday, January 13	Friday, January 19	Tuesday, January 23	Wednesday, February 14



## ITEM FOR DISCUSSION

<b>Meeting Date</b>	January 24, 2023
<b>Agenda Item</b>	F4
<b>Attachment</b>	See below.
<b>Submitted By</b>	Hannah Lynch, Community Development Coordinator / Planner

<b>Item</b>	Amendment to Chapter 14 regarding the licensing of businesses selling cannabinoid products.
<b>Description</b>	The subcommittee of the Planning Commission has prepared the attached draft ordinance relating to the licensing of businesses selling cannabinoid products. The draft ordinance is based off of the subcommittee's recommendation to model the provisions on the City of Elk River's ordinance.
<b>Budget Impact</b>	None.
<b>Attachment(s)</b>	Draft Ordinance - Concerning the Licensing of Businesses Selling Cannabinoid Products
<b>Action(s) Requested</b>	Staff requests the Planning Commission review the draft ordinance and discuss any changes that may need to be made before meeting with City Attorney.

**ORDINANCE NO. 23-**

**CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 14  
OF THE FALCON HEIGHTS  
CITY CODE CONCERNING THE LICENSING OF BUSINESSES  
SELLING CANNABINOID PRODUCTS  
THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:**

**SECTION 1. AMENDMENT.** The City Code of Falcon Heights, Minnesota, Chapter 14 is hereby amended to add Article IX as follows:

**ARTICLE IX. – SALE OF CANNABINOID PRODUCTS; LICENSING**

**DIVISION 1. – GENERALLY**

Sec. 14- . – Purpose of article.

The City Council finds the rapid introduction of cannabinoid products, including products containing THC, presents a significant potential threat to the public health, safety, and welfare of the general public and can interfere with brain development in youth and adolescents according to the U.S. Surgeon General.

The City Council finds that a local regulatory system for cannabinoid product retailers is appropriate and not unduly burdensome to ensure retailers comply with the laws and business standards of the city to protect the health, safety, and welfare of our youth, visitors, and all residents.

Sec. 14- . – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a difference meaning:

*Cannabinoid* means chemical compound derived from the cannabis plant or synthetically derived from the cannabis plant.

*Cannabinoid product* means any edible cannabinoid product or nonedible cannabinoid product authorized for sale in Minnesota Statute and intended for human consumption whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means.

*HHC* means the intoxicating cannabinoid hexahydrocannabinol.



*Licensed premises* means the premises described in the approved license application.

*Movable place of business* means a business whose physical location is not permanent or is capable of being moved or changed including, but not limited to, motorized vehicles, mobile sales kiosks, or trailers.

*Person* means one or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic, or nonprofit corporation; a trust; a political subdivision of the state; or any other business organization.

*Self-service merchandising* means a method of displaying Cannabinoid products so that they are accessible to the public without the intervention of an application, licensee or their agents or employees.

*THC* means the chemical compound tetrahydrocannabinol whether derived naturally or synthetically from the cannabis plant.

*Underage person* means a natural person who is under the age of 21.

## DIVISION 2. – LICENSE

Sec. 14-    . – Required.

No person shall sell or offer to sell any cannabinoid products without first having obtained a license to do so from the city.

Sec. 14-    . – Licensing procedure.

- (a) **Application.** An application for a license to sell cannabinoid products shall be made on a form provided by the city. The application shall include, but is not limited to, the full name of the applicant, the applicant's residential and business address and telephone numbers, the name of the proposed licensee, the business location for which the license is sought, and any additional information the city deems necessary. The application and investigation fees shall be paid at the time of application.
- (b) **Action.** Upon receipt of a completed application, the city administrator shall forward the application to the city council for action at its next regularly scheduled city council meeting. If the city administrator shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete. If the city council approves the license, a license shall be issued to the applicant. If the city council denies the application, a notice of denial shall be given to the applicant along with notice of the applicant's right to appeal the city council's decision.

- (c) **Background checks.** Applicants must submit to background checks as provided in chapter 2, article 7 of this code.
- (d) **Mistake.** If a license is mistakenly issued or renewed to an applicant or licensee, it shall be revoked by the city administrator or designee upon the discovery that the person, applicant, or licensee was ineligible for the license under this section.
- (e) **Term.** All licenses are issued for a period of one year. All licenses shall expire on December 31.
- (f) **Transfers.** All licenses issued under this section shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the city council.
- (g) **Renewals.** The renewal of a license under this section shall be handled in the same manner as the original application. The request for renewal shall be made at least thirty (30) days but no more than sixty (60) days before the expiration of the current license. The issuance of a license under this article shall be considered a privilege and not an absolute right of the applicant and shall not entitle the licensee to an automatic renewal of the license. If the city council denies the application, a notice of denial shall be given to the applicant along with notice of the applicant's right to appeal the city council's decision.
- (h) **Exemptions:**
- (1) This article does not apply to medical cannabis products dispensed by a registered medical cannabis dispensary pursuant to Minn. Stat. §§ 152.22 to 152.37. Medical cannabis dispensaries that sell non-medical cannabis products which are also cannabinoid products are not exempt.
  - (2) This article does not apply to cannabinoid products wherein the only cannabinoids present are non-intoxicating cannabinoids, such as cannabidiol ("CBD") or cannabitol ("CBN").

**State Law reference** –Minn. Stats. § 152.22 to 152.37.

Sec. 14-    . – Denials.

- (a) The following will be grounds for denying the issuance or renewal of a license:
- (1) The applicant or licensee is an underage person.
  - (2) The applicant or licensee who, within five years of the license application, has been convicted of a controlled substance-related felony.

- (3) The applicant or licensee has had a license to sell cannabinoid products denied, suspended, or revoked within the preceding twelve (12) months of the date of application.
  - (4) The applicant or licensee fails to provide any information required on the city license application, or provides false or misleading information.
  - (5) The applicant or licensee has outstanding fines, penalties, or property taxes owed to the city.
  - (6) The applicant or licensee is prohibited by state, or other local law, ordinance, or other regulation from holding a license under this article.
  - (7) The proposed premise is a moveable place of business.
  - (8) The proposed premise is within 500 feet of an elementary school property as measured from the property line to property line at the nearest point or from property line to the nearest point of the leased premises if the cannabinoid products shop is located in a multi-tenant facility.
  - (9) Any taxes or utility bills for the premises for which the license will be issued are delinquent.
  - (10) Failure to pay the yearly application fee.
  - (11) Failure of any person to comply with any of the ordinances of the city or laws of the state, or any conditions/restrictions conditions imposed on a license.
- (b) The city shall have the discretion to consider denying a license upon any reasonable facts or circumstances relating to public health, safety, and welfare.

### DIVISION 3. – RULES AND REGULATIONS

#### Sec. 14-    . – General requirements.

- (a) *Prohibited sales.* No person shall sell, offer for sale, give away, furnish, or otherwise deliver any cannabinoid products:
  - (1) To any underage person.
  - (2) By means of any type of vending machine.
  - (3) By means of self-service merchandising.

- (4) Containing any chemical compound or drug that is a controlled substance under Minnesota Law.
  - (5) That contain any amount of HHC.
  - (6) By any means, or to any person, prohibited by state or local laws.
  - (7) That fails to meet the labeling and/or testing requirements as established in Minnesota Statutes.
- (b) *Sampling of cannabinoid products.* Sampling of cannabinoid products on a license premises is prohibited.
- (c) *On-site consumption.* Any cannabinoid product sold may not be consumed and must remain sealed while on the licensed premises. Exemptions to this regulation include on-premise consumption of cannabinoid products at a food and beverage establishment that is licensed by the Minnesota Department of Health and licensed under this article. Food and beverage establishments selling cannabinoid products must provide such product to consumers in original packaging, complete with labeling. Such establishments must abide by all other state and county laws regarding on-premise consumption and sales, including the Minnesota Clean Indoor Air Act (Minn. Stat. §§ 144.411 to 144.417).
- (d) *Employees.* All employees selling cannabinoid products must be 18 years of age or older. All licensees under this article shall be responsible for the actions of their employees in regard to the sale of cannabinoid products, and the sale of such products by an employee shall be considered a sale by the licensee. Nothing in this section shall be construed as prohibiting the city from also subjecting the employee to whatever penalties are appropriate under this article, state law, or other applicable laws and regulations.
- (e) *Display.* Every license shall be posted and displayed in plain view of the general public on the licensed premises.
- (f) *Signage.* The licensee shall display a sign in plain view to provide public notice that selling any of these products to any person under the age of 21 is illegal and subject to penalties. The notice shall be placed in a conspicuous location in the licensed establishment and shall be readily visible to any person who is purchasing or attempting to purchase cannabinoid products.
- (g) *Delivery.* All sales of cannabinoid products must be completed on the licensed premises. Delivery by the licensee or a third party to the consumer is prohibited.
- (h) *Testing requirements.* All cannabinoid products offered for sale must comply with the testing requirements as set forth in Minnesota Statutes.

- (i) *Labeling requirements.* All cannabinoid products offered for sale must comply with the labeling requirements as set forth in Minnesota Statutes.
- (j) *Responsibility for conduct on premises.* Except as provided in this article, every licensee under this article shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order therein.
- (k) *Other regulations.* Except as otherwise provided in this article, licenses under this article shall be governed by the requirements and procedures set for in chapter 14, article 1 of this code.

Sec. 14-    . – Compliance checks and inspections.

All licensed premises shall be open to inspection by authorized city officials during regular business hours. From time to time, but at least twice per year, the city shall conduct compliance checks. Such compliance checks may involve, but are not limited to, inspection of cannabinoid products offered for sale and engaging underage persons to enter the licensed premises to attempt to purchase cannabinoid products.

#### DIVISION 4. – ENFORCEMENT AND PENALTIES

Sec. 14-    . – Penalty.

- (a) *Generally.* Any violation of this article shall be grounds to revoke or suspend a license. Failure of any person to comply with any of the ordinances of the city or laws of the state, or any conditions/restrictions conditions imposed on a license, shall be grounds for suspension or revocation of a license granted under this article. The city shall have the discretion to consider suspending or revoking a license, upon any reasonable facts or circumstances relating to public health, safety, and welfare.
- (b) *Enforcement generally.* The city may seek to enforce this article through criminal prosecution, administrative penalties, and/or civil relief. Nothing in this article shall prohibit the city from seeking misdemeanor prosecution, administrative penalties, or both, and does not affect the city's right to suspend or revoke the license of a licensee as the city council deems appropriate. No administrative penalty or license suspension or revocation may take effect until the licensee or other individual has received notice, served personally by mail, of the alleged violation and of the opportunity for a hearing regarding the violation of this article.
- (c) *Administrative penalties.* Certain administrative penalties are presumed to be appropriate and shall apply to all premises licensed under this article. The council may deviate from the presumptive penalty where the council finds there exists substantial reasons meriting deviation. When deviating from these standards, the council will

provide written findings that support the penalty selected. The following are presumed penalties for violations:

Type of Violation	1 <sup>st</sup> Violation	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation	4 <sup>th</sup> Violation
Sale of cannabinoid products while license is under suspension.	Revocation.	N/A	N/A	N/A
Sale of cannabinoid products to underage person.	\$750.00	\$1,000.00 and 3 days	\$1,500.00 and 6 days	Revocation
Other violations of Minnesota Statutes or this article.	\$250.00	\$500.00 and 3 days	\$1,000 and 6 days	Revocation

\*The number of days listed in the table reflect the length of time a license will be suspended.

- (d) *Computation of violations.* Any violation which occurred within two (2) years of the current violation will be counted. Number of days indicate consecutive days' suspension.
  - (e) *Administrative penalties process.* The licensee shall be responsible for the conduct of its agents or employees while on the licensed premises. Any violation of this article shall be considered an act of the licensee for purposes of imposing an administrative penalty, license suspension, or revocation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.
- No administrative penalty may take effect until the licensee or other individual has received notice, served personally by mail, of the alleged violation and of the opportunity for a hearing.
- (f) *Alternative penalties for use of false identification; persons under age 21.* Persons under 21 years of age who use or attempt to use false identification to purchase Cannabinoid products may be subject to cannabinoid-related education classes, diversion programs, community service, or other penalty that the city believes will be appropriate or effective.
  - (g) *Summary action.* The city administrator or designee may undertake summary action as permitted by section 14-5.

Sec. 14-    . – Severability.

If any provision of this article is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of this article.

**SECTION 2. EFFECTIVE DATE.** This ordinance shall be effective upon its passage and a summary published in the official newspaper.

**ADOPTED** this            day of           , 2023, by the City Council of the City of Falcon Heights, Minnesota.

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Moved By:

Approved by: \_\_\_\_\_  
Randall C. Gustafson  
Mayor

GUSTAFSON     \_\_\_ In Favor  
LEEHY  
MEYER           \_\_\_ Against  
WEHYEE  
WASSENBERG

Attested by: \_\_\_\_\_  
Jack Linehan  
City Administrator

DRAFT



## ITEM FOR DISCUSSION

<b>Meeting Date</b>	January 24, 2023
<b>Agenda Item</b>	F5
<b>Attachment</b>	See below.
<b>Submitted By</b>	Hannah Lynch, Community Development Coordinator / Planner

<b>Item</b>	Discussion of 2023 Priorities
<b>Description</b>	<p>Historically the first Planning Commission meeting of the year looks at the work done in past years and discusses projects for the upcoming year. Several priorities from past years have included:</p> <ul style="list-style-type: none"> <li>- A review of the Comprehensive Plan</li> <li>- Larpenteur Corridor Study</li> <li>- Code Enforcement Issues / Existing Ordinance Modifications</li> <li>- Short Term Rentals</li> <li>- Accessory Dwelling Units</li> <li>- Upcoming development projects</li> </ul>
<b>Budget Impact</b>	None.
<b>Attachment(s)</b>	None.
<b>Action(s) Requested</b>	Staff requests Planning Commission discuss priorities for 2023.





## ITEM FOR DISCUSSION

<b>Meeting Date</b>	January 24, 2023
<b>Agenda Item</b>	F6
<b>Attachment</b>	Preliminary Subdivision
<b>Submitted By</b>	Jack Linehan, City Administrator

<b>Item</b>	Informal Review - Division of Existing Lot - 2050 Roselawn Avenue (Community Park)
<b>Description</b>	<p>As the Planning Commission may be aware, the City is in the process of purchasing the northern 15.5 acres of PIN 162923320057 from the University of Minnesota. This land is the home of Community Park, which the City has leased from the U of M since 1973. With the lease expiring in 2024, both parties have interest in the City acquiring the property permanently so that we may rebuild the building at Community Park, which has fallen in to a state of disrepair.</p> <p>To facilitate the sale, the University of Minnesota will need to submit an application to the city to subdivide the lot. The process for subdividing existing lots is outlined in FHMC Sec. 109-26 - Dividing Existing Lots. A copy of the process is included as an attachment. The current plan is to have an Alta survey for the proposed subdivision in the coming weeks, and for the Planning Commission to host a public hearing on the proposal at the February 28<sup>th</sup> Planning Commission meeting.</p> <p>Prior to submitting a formal survey, City Code lays out the process of an informal sketch review by the Planning Commission. As a survey has not yet been completed on the parcel, the Planning Commission is requested to review the proposed legal description for the parcel as well as the preliminary map of the lot division.</p>
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• City Code Sec. 109-26</li> <li>• Informal Sketch</li> <li>• Legal Description</li> </ul>
<b>Action(s) Requested</b>	Staff requests Planning Commission review the proposed legal description for the parcel as well as the preliminary map of the lot division.

**Sec. 109-26 - Dividing existing lots**

(a) *Procedure for dividing existing lots.*

- (1) *Preapplication.* Prior to the filing of an application for conditional approval of the proposed subdivision of an existing tract of land, either by division of an existing lot, or metes and bounds description of an existing tract, the subdivider shall submit to the city council plans and data provided in section 109-25(a)(1). This step does not require formal application, fee or filing of plat with the city council.
- (2) *Submission of sketch plans.* Such sketch plans will be considered as submitted for preliminary and informal discussion between the subdivider and the planning commission. Submission of a subdivision sketch plan shall not constitute formal filing of a plat.
- (3) *Conformity to design standards; modifications.* As far as may be practical on the basis of a sketch plan, the planning commission will informally advise the subdivider as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this chapter and will discuss possible plan modifications necessary to secure conformance.

(b) *Conditional approval.*

- (1) *Preliminary survey; supplementary material.* On reaching conclusions informally as recommended above regarding his or her general program and objectives, the subdivider shall cause to be prepared a preliminary survey, together with improvement plans and other supplementary material as specified in section 109-27.
- (2) *Submission of material; application.* Six copies of the preliminary survey and supplementary material specified shall be submitted to the administrator with written application for conditional approval together with an application fee for such submittal at least 14 days prior to the planning commission meeting at which it is to be considered.
- (3) *Engineering report.* The engineering consultant shall submit his or her written report concerning the engineering aspects of the project to the planning commission at least seven days prior to the meeting at which the plat is to be considered.
- (4) *Compliance report.* The planning consultant shall examine the plat for compliance with this chapter and other ordinances of the city and the city's comprehensive plan and shall submit a written report to the planning commission at least seven days prior to the meeting at which the plat is to be considered.
- (5) *Public hearing.* A public hearing shall be held by the planning commission after the filing of the preliminary survey. This hearing shall be held if possible, at the next regularly scheduled meeting of the planning commission. A notice of the time, place, and purpose of the hearing shall be published in the official city newspaper at least ten days prior to the date of the hearing. In addition, the city shall notify, in writing, the subdivider and each owner of affected property and property situated wholly or partly within 350 feet of the exterior boundary of the subject property.

- (6) *Recommendation report.* After consideration of all hearings, reports, comments, and suggestions, the planning commission shall within 30 days after the public hearing submit to the city council, in writing, a report summarizing its recommendations and rationale concerning the preliminary survey. Copies of the engineer's and planning consultant's reports shall also be forwarded to the city council along with the preliminary survey and application.
  - (7) *Approval; disapproval.* Following review of the preliminary survey and other material submitted for conformity thereof to the existing regulations and ordinances of the city, and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him or her, the council shall, within 30 days, act thereon as submitted or modified, and if approved, shall refer the preliminary survey to the planning commission for its approval or disapproval, and if disapproved, the planning commission and city council shall express its disapproval and the reasons therefor.
  - (8) *Action of city council noted.* The action of the city council shall be noted on two copies of the preliminary survey, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the city council.
  - (9) *Conditional approval not indicative of final approval.* Conditional approval of a preliminary survey shall not constitute approval of the final survey. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary survey as a guide to the preparation of the final survey which will be submitted for approval of the city council and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any.
- (c) *Final survey.*
- (1) *Conformity to preliminary survey.* The final survey shall conform substantially to the preliminary survey as approved, and, if desired by the subdivider, it may constitute only that part of the approved preliminary survey which he or she proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.
  - (2) *Application for approval.* Application for approval of the final survey shall be submitted in writing to the city council at least 30 days prior to the meeting at which it is to be considered.
  - (3) *Final survey requirements.* Ten copies of the final survey and other exhibits required for approval shall be prepared as specified in section 109-27(b), and shall be submitted to the city council within six months after approval of the preliminary survey; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the city council.
  - (4) *Public hearing; approval; disapproval.* At the discretion of the city council, a public hearing may be held. Notice of said hearing shall be published in the official city newspaper at least ten days prior to the date of the hearing. At such hearing all persons interested shall be heard and the city council may thereafter approve or disapprove the survey. Such approval or disapproval shall be given not more than 60 days after the filing of any survey with a formal request for its approval. The grounds for any refusal

to approve a survey shall be set forth in the proceedings of the city council and reported to the person applying for such approval. Surveys after approval, may then be recorded as now provided by law and further described in the city's Administrative Procedures Manual.

(Code 1993, § 9-17.03)



**EXHIBIT A**  
**Legal Description of Property**

The North ~~925-940~~ feet of that part of the SW 1/4 Section 16, Township 29, Range 23, lying West of the westerly line of Block 2, Falcon Woods, the westerly line of Block 5, Falcon Woods No. 2, and said westerly line extended in a southerly direction, according to the plats thereof on file and of record in the office of the Register of Deeds in and for Ramsey County, Minnesota, subject to the rights of the public over any portion thereof for highways, consisting of about ~~14.5~~15.6 acres, more or less.

[To be confirmed by survey obtained by Purchaser subject to University's reasonable approval.]

**Commented [LJK6]:** This is the original legal description contained in the lease. We are adding 15 feet to the southern boundary to accommodate the existing path, which currently extends beyond the leased premises. The legal description will be confirmed by the survey.